

REMARKS

Summary of Office Action

Prior to this Reply, claims 1-62 and 66-81 were pending in the above-identified patent application.

Claims 9-11, 14, 19, 24, 27-30, 34, 36, 37, 46, 47, 53, 54 and 66-68 were withdrawn from consideration pursuant to 37 C.F.R. 1.142(b), as being drawn to a nonelected invention. The Examiner stated that these claims do not read on the elected species (the embodiment shown in FIGS. 1-22).

The disclosure was objected to because of informalities.

The drawings were objected to because of missing or incorrect reference numerals.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter, specifically with reference to the "groove" of claim 33 and the "third position" of claim 49.

Claims 61 and 73 were objected to because of informalities.

Claims 40 and 41 were rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-8, 12, 20, 21, 25, 33, 35, 38-41, 44, 45, 48, 51, 52, 55, 56, 69-74 and 77-81 were rejected under

35 U.S.C. § 102(a) as being anticipated by "PCT reference (877)."

Claims 55, 57-59, 69-72, 79 and 80 were rejected under 35 U.S.C. § 102(b) as being anticipated by "Burdett et al (185)."

Claims 1-7, 20, 55 and 56 were rejected under 35 U.S.C. § 102(b) as being anticipated by "EP reference (311)." Applicants respectfully note that applicants are unaware of a reference of record in the instant application that is identified as "EP reference (311)." Applicants are aware, however, of French Publication No. 2,711,311, which is of record in the application, and are assuming that the Examiner is referring to that reference. Accordingly, applicants will refer to "EP reference (311)" as "FR reference (311)" unless advised to the contrary.

Claims 1-4, 20, 25, 35, 38, 39, 44, 45, 48, 55, 56, 69, 80 and 81 were rejected under 35 U.S.C. § 102(b) as being anticipated by "Eichner (955)."

Claims 15-18, 57-59, 61 and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over PCT reference (877) in view of "Belden (788)."

Claims 31, 32 and 76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over PCT reference (877) in view of "Murphy (445)."

Claim 60 was rejected under 35 U.S.C. § 103(a) as being unpatentable over PCT reference (877) in view of "Lax (922)" and "Ditzig et al (299)."

Claims 12, 13 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over FR reference (311) in view of "Schurman (381)" or PCT reference (877).

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over FR reference in view of "Nakasuji (341)."

Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over FR reference (311) as applied to claim 21 above, and further in view of Nakasuji (341).

Claims 26, 42, 43, 49, 50 and 75 were objected to as being dependent upon a rejected base claim, but the Examiner stated that they would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Summary of Applicants' Reply

Applicants note with appreciation the indication of allowable subject matter in claims 26, 42, 43, 49, 50 and 75.

Applicants respectfully request that the Examiner acknowledge two priority claims and the filing of three information disclosure statements.

Applicants have amended the specification to remove the informalities noted by the Examiner.

Applicants have amended the drawings to include or correct reference numerals.

Applicants have amended the specification to provide support for the "groove" of claim 33 and the "third position" of claim 49.

Applicants have canceled claims 61 and 73, which were objected to based on alleged informalities.

Applicants also have canceled claims 1-25, 27-41, 44-48, 51-60, 62, 66-72, and 74-81.

Applicants have rewritten claims 26, 42, 43, 49, and 50 in independent form including all limitations of the base claims and any intervening claims.

Request for Acknowledgment of
35 U.S.C. § 119(e) Priority Claims

Applicants respectfully note that an Office Action Summary attached to the aforementioned Office Action did not acknowledge two claims under 35 U.S.C. §119(e).

The instant application claims priority from U.S. Provisional Application No. 60/221,953, filed July 31, 2000, and U.S. Provisional Application No. 60/279,906, filed March 29, 2001. This priority information was shown on a Corrected Filing Receipt mailed on January 14, 2002 (copy enclosed).

Applicants respectfully request that the Examiner acknowledge the aforementioned priority claims in the next communication.

Request for Acknowledgment of Receipt
of Information Disclosure Statements

Applicants respectfully note that in the aforementioned Office Action Summary, the section entitled "Attachment(s)," which normally appears at the bottom of the Summary, was omitted. Consequently, the Summary does not acknowledge the receipt of information disclosure statements filed in connection with the application (information disclosure statements were filed on May 16, 2001, February 27, 2002, and June 27, 2002). Applicants respectfully request that the information disclosure statements filed in connection with this application be acknowledged in the next communication.

Applicants' Reply to the
Objections to the Disclosure

The Examiner objected to the disclosure because of numerous informalities. Applicants respectfully submit that the Examiner's objections are overcome by amendments of the specification and FIG. 13 set forth above and described below.

On page 1, line 3 (paragraph beginning on page 1, line 1) the application number and status of a priority

document were not included. Applicants have amended the specification to include that information.

On page 9, line 18 (paragraph beginning on page 9, line 8) reference number 614 was changed to 64.

The paragraph beginning on page 11, line 1 was amended to refer to a "third position," as discussed below in connection with objections to the specification.

On page 11, line 26 (paragraph beginning on page 11, line 20) figure numbers 14a, 14b, 14c and 14d were changed to 16a, 16b, 16c and 16d.

In connection with a reference to notch 432 on page 12, line 3 (paragraph beginning on page 12, line 3) the Examiner asked "in what sense is element 432 a 'notch'?" Applicants respectfully note that FIG. 13 shows a transitional portion of spring arm 428 that has varying thickness and extends between recessed portion 436 and base 426. Notch 432 is present at the intersection of the transitional portion and recessed portion 436. Nonetheless, applicants have amended FIG. 13 to extend the lead line from reference numeral 432 closer to the notch.

In connection with the word "arcuate" on page 12, line 5 (paragraph beginning on page 12, line 3) the Examiner asked "in what sense is element 434 'arcuate' in nature?" Applicants have amended the paragraph beginning on page 12, line 3 to identify element 434 as a "stem portion" and state

that in some embodiments, though not shown, the stem portion may be arcuate.

On page 12, line 19 (paragraph beginning on page 12, line 14) applicants have included a reference to a "groove," as discussed below in connection with objections to the specification, and have corrected the spelling of "pierce."

On page 15, line 10 (paragraph beginning on page 15, line 5) reference numerals 220, 234 and 236 have been changed to 400, 410 and 412, respectively.

On page 15, line 12 (paragraph beginning on page 15, line 12) and page 16, line 1 (paragraph beginning on page 15, line 20) applicants have corrected the spelling of "and" and "protrusion," respectively.

On page 17, lines 11 and 13 (paragraph beginning on page 16, line 25) and page 17, lines 15 and 20 (paragraph beginning on page 17, line 14) reference numerals 62 and 50 have been changed to 702 and 700, respectively.

On page 19, line 5 (paragraph beginning on page 18, line 19) the application number and status of a priority document have been updated to reflect the issuance of U.S. Patent 6,561,347.

On page 24, line 4 (paragraph beginning on page 24, line 4) and page 24, line 18 (paragraph beginning on page 24, line 15) figure numbers 15, 18 and 15 have been changed to 35, 38, and 35 respectively.

On page 26, line 6 (paragraph beginning on page 26, line 1) and page 27, lines 22 and 23 (paragraph beginning on page 27, line 16) reference numerals 260, 304 and 306 have been replaced with 262, 294 and 296, respectively.

On page 28, line 21 (paragraph beginning on page 28, line 18) the second occurrence of reference numeral 348 has been changed to 352, and on line 26, reference numeral 352 has been changed to 348.

On page 29, lines 21, 25 and 26 (paragraph beginning on page 29 line 13) reference numeral 344 has been changed to 358, and on lines 20 and 21, reference numeral 340 has been changed to 354.

On page 30, lines 1 and 2 (paragraph beginning on page 29, line 13) reference numerals 346, 348 have been changed to 360, 362, respectively.

On page 30, line 12 (paragraph beginning on page 30, line 11) reference numeral 150 has been deleted.

The paragraphs beginning on page 32, line 25 and page 34, line 3 were amended to include figure references and reference numerals in connection with objections to the drawings.

On page 34, line 19 (paragraph beginning on page 34, line 15) reference numeral 400 has been changed to 4400.

The foregoing amendments of the disclosure and FIG. 13 introduce no new matter.

Applicants respectfully submit that the foregoing amendments of the specification and FIG. 13 overcome the Examiner's objections to the disclosure.

Applicants' Reply to the
Objections to the Drawings

The Examiner objected to the drawings because of missing and incorrect reference numerals. Applicants have amended the drawings to include and correct reference numerals as follows.

In FIG. 3, previously omitted reference numeral 706 has been added.

In FIG. 8, previously omitted reference numeral 208b has been added.

In FIGS. 16a-16e, one of the reference numerals 428 has been changed to 422.

In FIG. 16d, reference numeral 456 has been changed to 454.

In FIG. 19, previously omitted reference numeral 401 has been added.

In FIG. 47, previously omitted reference numeral 316 has been added.

In FIG. 52, reference numeral 60 has been changed to 606.

In FIG. 56, reference numeral 570 has been changed to 461.

In FIG. 57, previously omitted reference numeral 4400 has been added.

The amendments of the drawings introduce no new matter.

Applicants have amended the paragraph beginning on page 32, line 25 to refer to FIGS. 12 or 13 in connection with reference numerals 406, 408.

Applicants have amended the paragraph beginning on page 34, line 3 of the specification to change reference numeral 568 to 461 and therefore there is no longer a reference numeral 568 in the specification.

Applicants respectfully submit that the foregoing amendments of the drawings and specification overcome the Examiner's objections to the drawings.

Applicants' Reply to the Objections to the
Specification Under 37 C.F.R. § 1.75(d)(1)

The Examiner objected to the specification as failing to provide proper antecedent basis for the "groove" of claim 33 and the "third position" of claim 49.

Applicants have amended the paragraph beginning on page 12, line 14 to provide antecedent basis for a "groove."

Applicants have amended the paragraph beginning on page 11, line 1 to provide antecedent basis for a "third

position." (The amendment also provides antecedent basis for "base 426" at page 11, line 20. A grammatical amendment was therefore required at that location.)

The forgoing amendments introduce no new matter.

Applicants respectfully submit that the foregoing amendments of the specification overcome the Examiner's objections under 37 C.F.R. §1.75(d)(1).

Applicants' Reply to the Objections to
Claims 61 and 73 because of Informalities

The Examiner objected to claims 61 and 73 because of informalities. In the interest of placing the application in condition for allowance, applicants have canceled claims 61 and 73 and, therefore, respectfully submit that the Examiner's objections have been overcome. Applicants respectfully request that the cancelations of claims 61 and 73 be entered without prejudice and respectfully reserve the right to pursue the canceled claims in one or more continuation or divisional applications.

Applicants' Reply to the Rejections of
Claims 40 and 41 Under 35 U.S.C. § 112,
second paragraph

The Examiner rejected claims 40 and 41 under 35 U.S.C. §112, second paragraph. In the interest of placing the application in condition for allowance, applicants have canceled claims 40 and 41 and, therefore, respectfully submit that the rejections under 35 U.S.C. §112, second paragraph, are now moot. Applicants

respectfully request that the cancelations of claims 40 and 41 be entered without prejudice and respectfully reserve the right to pursue the canceled claims in one or more continuation or divisional applications.

Applicants' Reply to the Rejections
Based on the Cited References

The Examiner rejected claims 1-8, 12, 20, 21, 25, 33, 35, 38-41, 44, 45, 48, 51, 52, 56, 69-74, and 77-81 under 35 U.S.C § 102(a). The Examiner rejected claims 1-7, 20, 25, 35, 38, 39, 44, 45, 48, 55-59, 69-72, and 79-81 under 35 U.S.C § 102(b). The Examiner rejected claims 12, 13, 15-18, 21-23, 31, 32, 57-62, and 76 under 35 U.S.C § 103(a).

In the interest of placing the application in condition for allowance, applicants have canceled claims 1-25, 27-41, 44-48, 51-62, 66-74 and 76-81. Applicants respectfully submit, therefore, that the Examiner's rejections under 35 U.S.C. §§ 102(a), 102(b) and 103(a) are now moot. Applicants respectfully request that the cancellation of claims 1-25, 27-41, 44-48, 51-62, 66-74 and 76-81 be entered without prejudice and respectfully reserve the right to pursue the canceled claims in one or more continuation or divisional applications.

Applicants' Reply to the Objections
to Claims 26, 42, 43, 49, 50, and 75
As Being Dependent on a Rejected Base Claim

The Examiner objected to claims 26, 42, 43, 49, 50 and 75 as being dependent upon a rejected base claim, but stated that the claims "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

In the interest of placing the application in condition for allowance, applicants have rewritten claims 26, 42, 43, 49 and 50 in independent form, including all of the limitations of the base claims and any intervening claims, and have canceled claim 75. Applicants respectfully request that the cancelation of claim 75 be entered without prejudice.

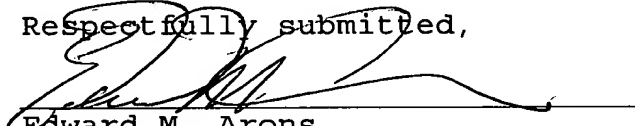
Claims 26, 42, and 49 were amended to include the features of base claim 55 and intervening claim 25. Claim 43 was amended to include the features of base claim 55 and intervening claims 25 and 42. Claim 50 was amended to include the features of base claim 55 and intervening claims 25 and 49. Applicants respectfully reserve the right to pursue claims 25, 55, 69, 70-73, and 75 in one or more continuation or divisional applications. The foregoing amendments of the claims introduce no new matter. Applicants respectfully submit, therefore, that the Examiner's objections to claims 26, 42, 43, 49, and 50 have

been overcome and that the objection to claim 75 is now moot.

Conclusion

In the interest of placing the application in condition for allowance, applicants have canceled all claims that were rejected by the Examiner and have amended the specification, the drawings, and claims 26, 42, 43, 49, and 50. Applicants respectfully submit that the amendments overcome the Examiner's objections, that amended claims 26, 42, 43, 49, and 50 are patentable, and that this application is now in condition for allowance. Accordingly, applicants respectfully request the timely issuance of a Notice of Allowance for this application.

Respectfully submitted,



Edward M. Arons
Registration No. 44,511
Agent for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090

Attachments